

February 26, 2009

Mr. Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Bischoff, Mr. Walchuk, Mr. Badenhausen, Mrs. Corcoran,  
Mr. Nace, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mrs. Dziubek, Mr. Taibi, Mr. Ryland

Others Present: Atty. Mark Anderson, Carl Hintz, Kevin Smith, Atty. James Knox  
Atty. George Dilts, Greg Brown, Tom Horvath, Atty. Scott Carlson,  
Catherine Adkins, Alan Steere, Richard Cerbone, Jeffrey Housel,  
James Woods

**Approval of Minutes:** Mr. Bischoff made a motion to approve the minutes of the January 22, 2009 meeting. Mr. Ford seconded the motion.

Vote: Ayes: Mr. Bischoff, Mr. Ford, Mr. Badenhausen, Mrs. Corcoran, Mr. Nace  
Abstain: Mr. Walchuk, Mr. Kirkpatrick

**Issue of Completeness: 169 Perryville Road Hampton LLC. Block 13, Lot 11.01, 169 Perryville Road:** Kevin Smith apprised the Board of deficiencies in the application. Mr. Smith recommended the application be deemed incomplete, unless certain waivers were granted. Atty. Anderson said a variance would be required for the convenience store. Mrs. Corcoran made a motion to deem the application incomplete. Mr. Ford seconded the motion.

Vote: All Ayes

**Perryville Wine & Spirits: Block 12, Lot 8.04, 173 West: Memorialization of Resolution #2008-001:** Atty. James Knox, representing applicant, said the Resolution was satisfactory. Those eligible to vote are Mr. Badenhausen, Mr. Ford and Mr. Kirkpatrick. Mr. Badenhausen made a motion to memorialize the Resolution. Mr. Ford seconded the motion.

Vote: Ayes: Mr. Badenhausen, Mr. Ford, Mr. Kirkpatrick

**Republic Services of NJ, LLC: Block 22, Lot 30.03, Route 173 East: Public Hearing:** Atty. Anderson reviewed the Notice Documents and found them to be in order, giving the Board jurisdiction to hear the matter. Atty. George Dilts gave an overview of the application. Mr. Dilts said his client is seeking minor site plan approval to install a 10,000 gallon underground diesel fuel storage tank and a fuel pump station with an overhead canopy. The facility would be used to fuel trucks on-site. It would not be used by the public. It had been determined a D variance would be required for expansion of the preexisting-non-conforming use. Atty. Dilts said a letter dated January 6, 2009 had been received from the Board's previous Engineer, John Reymann. A letter dated January 21, 2009 had been received from Carl Hintz.

Atty. Anderson said that because of the D variance, it would be necessary for Mr. Bischoff to recuse himself. Mr. Bischoff stepped down from the meeting.

Attorneys Anderson and Dilts discussed the Notice regarding the type of D variance. Mr. Dilts felt it was broad enough to cover a D 2 variance. Atty. Dilts voiced a concern about the number of members present. He said applicant would need five (5) affirmative votes. Only six (6) members were eligible to vote at tonight's meeting. Atty. Dilts discussed the matter with his client, after which time it was requested to carry the matter until next month. Mr. Dilts said he would re-notice for the variance. Mr. Kirkpatrick asked Mr. Dilts to submit a letter regarding the extension of time until March 26, 2009. Atty. Dilts was amenable. He also stated for the record that the extension was being granted. Mr. Bischoff rejoined the Board.

**Brass Castle: Block 29, Lot 2, Cooks Cross Road: Bus Shelter:** Mr. Bischoff gave a brief overview of the request by the Homeowners Assn. to remove the Shelter. The Assn. will be asked to survey all homeowners to ascertain their feelings about the possible removal. If homeowners want the shelter removed, it will be necessary to apply to the Planning Board since the shelter was part of the original Subdivision approval.

**Nace: Block 8, Lots 20, 20.01, 20.02 and 20.03, Finn Road: Informal: Proposed Lot Line Adjustment:** Mr. Nace stepped down from the meeting. He gave a brief overview his proposal. The property is in the Highlands Preservation area. Mr. Kirkpatrick suggested to Mr. Nace that he might want to contact the Highlands to determine if he would be creating a lot that may not be able to be used in the future.

Mr. Nace rejoined the Board.

**Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West:** Mr. Bischoff recused himself prior to the Pilot presentation. Atty. Scott Carlson, representing applicant, said he believes Pilot is in substantial compliance with the Resolution. He would like to have the site plans signed so that construction could begin. Mr. Carlson said that Catherine Adkins, Alan Steere, Richard Cerbone, Jeffrey Housel and Jim Woods were present and available for testimony and questions. Mr. Hintz said a letter would be forthcoming from his office. Atty. Carlson said Vincent Uhl had mentioned a desire to have a tank for fire protection. Mr. Carlson said that would mesh well with the Resolution pertaining to Emergency Management. The Pattenburg Fire Company had submitted a letter stating that they did not object to the proposed plan. Mr. Kirkpatrick said the tank issue seemed to have arisen after approval. He emphasized the need to resolve the issue. Atty. Carlson presented a letter addressing the issues.

Board Engineer Smith said that, with the exception of the NJDOT Access Permit, he did not see anything that would require Pilot to change their site design. Mr. Kirkpatrick asked if Board members had any concerns. He said Pilot was making progress on conditions in the Resolution.

Atty. Carlson mentioned the three on-site trailers that would be utilized during construction. Mr. Carlson said Pilot is projecting 90 days to complete construction. There is a construction trailer, restroom trailer and a retail sales trailer. Atty. Carlson had spoken with Township Officials about the trailers. He said Pilot is amenable to removing the sales trailer if that trailer would delay the anticipated start of construction, which is scheduled for March 9, 2009. Retail sales would be conducted in the existing facility. Atty. Carlson requested that the Board entertain a revision to the site plan that would allow the trailers on the site during construction. Atty. Carlson asked Alan Steere to come forward. Mr. Steere was sworn by Atty. Anderson. He is the construction superintendent. An Exhibit was presented that showed the location of the three trailers. It was marked A-101. Mr. Steere described the uses of each of the trailers and access to them. It is anticipated the trailers will be on the site for 90 days. Various concerns were raised about potential safety issues, especially by customers traversing about the site. It is anticipated the traffic pattern will be reversed by the middle of May. The existing circulation plan will be used during construction.

Atty. Anderson asked Mr. Steere about plumbing facilities. The construction trailer will have water that will drain into a holding tank. The tank, which is outside the trailer, will be pumped by the company that is leasing it to Pilot. The restroom trailer will be connected to water and the existing septic system. Atty. Anderson asked Mr. Steere if Pilot had necessary building permits, including electrical, plumbing and a Certificate of Occupancy for any or all of the trailers. Mr. Steere said permits have been applied for. He said the construction trailer is the only one being occupied and that will not be after tonight. Atty. Anderson asked if Pilot was comfortable with the anticipated 90-day time frame for construction. Atty. Carlson said he was going to ask if the Board would consider 120 days.

Mr. Kirkpatrick asked for questions from the Board and/or its Professionals. Atty. Anderson asked about the starting date for construction. March 9, 2009 was agreed upon. Mr. Walchuk felt that loose ends should be tied up between Board Professionals and the Township Building Dept. Mr. Kirkpatrick wanted Pilot to give an update once a month, at Workshop sessions, and whether an extension of the 90 day time frame might be required.

Mr. Kirkpatrick asked for a motion. Mr. Walchuk said he understood the motion would be to allow the three trailers on the site, as described, and shown on Exhibit A-101. Mr. Kirkpatrick said it would allow the construction-related trailers on the site for a period of time not to exceed 120 days and that applicant would come to Workshop meetings to provide a status report. Mr. Walchuk said the approval would be subject to any requirements of the Construction and Zoning Official and Township Engineer Kevin Smith, as well as other agencies. Atty. Anderson said that construction is covered by other agency approvals. Mr. Anderson asked if Mr. Hintz should be included. Mr. Hintz did not see the need for him to be included.

Atty. Anderson said the approval should state that trailers are not to be used after the time the building is reoccupied and should be removed promptly thereafter. Mr. Anderson asked for clarification of the use of the sales trailer. Mr. Ford asked about signage. Mr. Steere noted the sign locations as shown on A-101. Mr. Walchuk voiced concerns about customers accessing the retail sales trailer, especially children. Mrs. Corcoran voiced similar concerns. The possibility of adding a fourth trailer for sales was mentioned. Mr. Kirkpatrick said it appeared to be the consensus of the Board that either the retail sales trailer be eliminated or a fourth trailer would be added for retail sales that would be safer for use of the general public. Atty. Carlson said his client suggested that a fence be installed to deter access from the gasoline portion of the site to the sales trailer. Mr. Carlson emphasized the importance of truckers having coffee and snacks available. Mr. Ford asked if Pilot then would not place signs directing people to that location. Mr. Ford said that would be acceptable to him. Atty. Anderson said he understood that Signs 1 and 2 on Exhibit A-101 would be eliminated and a fence would be installed to deter access to the sales trailer from the gasoline sales area. Mr. Ford mentioned placement of signs stating danger at the area due to construction. Mr. Ford asked Mr. Walchuk if he would accept that as an amendment to his motion. Mr. Walchuk replied in the affirmative. Mr. Kirkpatrick emphasized the importance of showing how the site would operate during the construction process. He said it was important for the Board to know that construction was proceeding in a safe and efficient manner.

Atty. Anderson cited the proposed conditions of approval: The trailers would not be used after the building is reoccupied and would be removed promptly thereafter; signs 1 and 2 on revised site plan, (Exhibit A-101) would be removed and fencing would be installed to deter access to the sales trailer from the gasoline area; approval would be temporary for 120 days from today; approval is contingent upon approval of the Board Engineer; an update is to be given, once a month, at the Board's Workshop meeting, showing the phasing plan going forward for the next 30 days and contingent upon all other agency approvals, principally the Construction Office.

Mrs. Corcoran seconded Mr. Walchuk's motion, as amended.

Vote: Ayes: Mr. Walchuk, Mrs. Corcoran, Mr. Badenhause, Mr. Ford,  
Mr. Kirkpatrick

Abstain: Mr. Nace

**Correspondence: P.S. Construction: Block 22, Lots 27.02, 27.03 and 27.04: Race Street:** Application dated 3/4/09 to the NJDEP Re: Permit under Freshwater Wetlands Protection Act For Board's Information

**Comments from the Public:** None

**Motion to Adjourn:** Mr. Walchuk made a motion to adjourn. Mrs. Corcoran seconded the motion. (8:35 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary